

EXHIBIT F

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA
VIDEO GAMING TECHNOLOGIES, INC.,)
Plaintiff,)
vs.) CASE NO. 17-CV-454-GKF-JFJ
CASTLE HILL STUDIOS, LLC., et al.,)
Defendants.)

TRANSCRIPT OF RECORDED PROCEEDINGS
DECEMBER 6, 2017
BEFORE THE HONORABLE JODI F. JAYNE, MAGISTRATE JUDGE PRESIDING
MOTION HEARING

Greg Bloxom, RMR, CRR
United States Court Reporter
Northern District of Oklahoma

A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. GARY M. RUBMAN
MR. MICHAEL SAWYER
Covington & Burling, LLP
One City Center
850 Tenth Street, NW
Washington, D.C. 20001-4956

MR. GRAYDON DEAN LUTHEY, JR.
Gable Gotwals
1100 ONEOK Plaza
100 W. 5th Street
Tulsa, OK 74103-4217

FOR THE DEFENDANTS:

MR. JAMES COLLIN HODGES
James C. Hodges, PC
2622 E. 21st Street
Suite 4
Tulsa, OK 74114

MR. JONATHAN SPENCER JACOBS
Zobrist Law Group PLLC
1900 Arlington Blvd.
Suite B
Charlottesville, VA 22905

MR. ROBERT COURTNEY GILL
Saul Ewing Arnstein
& Lehr LLP
1919 Pennsylvania Avenue NW
Suite 550
Washington, D.C. 20006

Video Gaming v Castle Hill (12-06-2017 Motion Hearing)

3

1 PROCEEDINGS:

2 -----

3 **THE DEPUTY COURT CLERK:** This is case number 17-CV-
4 454-GKF-JFJ, Video Gaming Technologies, Inc. vs. Castle Hill
5 Studios -- or Studios -- sorry -- LLC, et al.

6 Counsel, please enter your appearance for the record.

7 **MR. LUTHEY:** Good morning, Your Honor.

8 **THE COURT:** Good morning.

9 **MR. LUTHEY:** Dean Luthey for the plaintiff, and I have
10 with me as my co-counsel, who have been admitted pro hac vice
11 in this case, Mr. Gary Rubman and Mr. Michael Sawyer of the
12 District of Columbia.

13 **THE COURT:** Good morning. Welcome to Tulsa.
14 Mr. Rubman; is that right?

15 **MR. RUBMAN:** It's actually Rubman, but --

16 **THE COURT:** Rubman. Okay.

17 **MR. RUBMAN:** -- people say either.

18 **THE COURT:** Rubman and Mr. Sawyer. Okay.

19 **MR. HODGES:** James Hodges for the Castle Hill
20 defendants. With me is Robert Gill of Washington and Jonathan
21 Jacobs of Washington.

22 **THE COURT:** Okay. Which is which?

23 **MR. HODGES:** Mr. Gill (INDICATING).

24 **THE COURT:** Mr. Gill? Okay.

25 **MR. GILL:** Good morning, Your Honor.

Greg Bloxom, RMR, CRR

United States Court Reporter
Northern District of Oklahoma

Video Gaming v Castle Hill (12-06-2017 Motion Hearing)

16

1 well as with the court, confirm that and we think that they're
2 reneging on that deal and that's really why we're here.

3 **THE COURT:** Tell me what prejudice you think you've
4 suffered as a result of that at this point.

5 **MR. RUBMAN:** Well, we want this case to get moving.
6 We think there's a lot of smoke, we think there's a lot of fire
7 here. In our mind, they are literally copying our games. We
8 won't go into detail there. They're some of our most senior
9 former employees. There's a lot of reason to believe very
10 strongly that they're using our trade secrets. We want this
11 discovery, we want to proceed quickly, and we've been trying to
12 proceed quickly. We want to get to injunctive relief. Once we
13 get that discovery, we think we'll be in a position, depending
14 on what the discovery shows, we think it's going to confirm
15 everything we're saying and we want to file a preliminary
16 injunction and we've told them that and that's why we want this
17 case to move. We want to get into discovery.

18 **THE COURT:** The fact that you don't have a scheduling
19 order in place makes it less important that we move quickly, to
20 me. I understand that he didn't -- Judge Frizzell did not stay
21 discovery, --

22 **MR. RUBMAN:** Uh-huh.

23 **THE COURT:** -- obviously, and you guys are proceeding
24 with discovery. But the fact that he entered an order that
25 says, "I'm going to wait to enter a scheduling order until I

Video Gaming v Castle Hill (12-06-2017 Motion Hearing)

52

1 entire thing needs sealed.

2 **MR. GILL:** Okay. Fair enough.

3 **THE COURT:** So, yes.

4 Okay. Is there anything else that we need to take up here
5 today, Mr. Rubman?

6 **MR. RUBMAN:** No, Your Honor.

7 **THE COURT:** Mr. Gill?

8 **MR. GILL:** No, ma'am. Thank you.

9 **THE COURT:** Thank you both.

10 **THE DEPUTY COURT CLERK:** All rise.

11 **THE COURT:** Court's adjourned.

12 (PROCEEDINGS CLOSED)

13 **REPORTER'S CERTIFICATION**

14 WHILE NOT PRESENT TO STENOGRAPHICALLY REPORT THE FOREGOING
15 PROCEEDINGS, I CERTIFY THAT IT WAS TRANSCRIBED TO THE BEST OF
16 MY ABILITY FROM A DIGITAL AUDIO RECORDING.

17 CERTIFIED: s/Greg Bloxom
18 Greg Bloxom, RMR, CRR
19 United States Court Reporter
20 333 W. 4th Street, RM 411
21 Tulsa, OK 74103
22 (918)699-4878
23 greg_bloxom@oknd.uscourts.gov
24
25

Greg Bloxom, RMR, CRR
United States Court Reporter
Northern District of Oklahoma